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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,906	08/26/2003	Goetz von Groll	187135/US	1905
25763 7590 06/24/2009 DORSEY & WHITNEY LLP INTELLECTUAL PROPERTY DEPARTMENT SUITE 1500 50 SOUTH SIXTH STREET MINNEAPOLIS, MN 55402-1498				
			EXAMINER VU, BAID	
			ART UNIT 2165	PAPER NUMBER
			MAIL DATE 06/24/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/604,906

Applicant(s)

VON GROLL, GOETZ

Examiner

Bai D. Vu

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/14/2009 has been entered.

Response to Amendment

2. Applicant has amended claims 1-2 and 5-6, cancelled claim 4, and added new claims 7 and 8 in the amendment filed on 4/14/2009.

Claims 1-3 and 5-8 are pending in this office action.

Response to Arguments

3. Applicant's arguments filed on 4/14/2009 with respect to claims 1-3 and 5-8 have been considered but are moot in view of the new ground(s) of rejection.

Notes

4. With respect to **claims 1-3 and 5-8** which are method claims, examiner notes that the claimed functions must, inherently, require a computer processor. Accordingly, the claims appear to be patentable under 35 U.S.C. § 101.

Furthermore, applicant is reminded that the examiner is entitled to the broadest reasonable interpretation of the claims. The applicants always have the opportunity to amend the claims during prosecution and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater 162 USPQ 541,550-51 (CCPA 1969). Therefore, the aforementioned assertion is moot.

Claim Objections

5. **Claims 2, 3 and 5-8** are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

As per **claims 2, 3 and 5-8**, are improper dependent claims because they are directed to an option that may have not been selected in claim 1. Furthermore, the claims do not further narrow since claim 1 give us an option to not select "communication performance".

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. **Claims 1-3 and 5-8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "*reputation management*" in claim 1, line 9, is a relative term which renders the claim indefinite. The term "*reputation management*" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim should recite the descriptions found in paragraphs 0002-0003 of the specification to better define the scope of the claim. "reputation" is subjective and relative term that changes with time.

As such, **claims 2, 3 and 5-8** are rejected as incorporating the deficiencies of claim 1 which they depend.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1, 3 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al. (US Pub. No. 2002/0174000 A1) in view of Schneider (US Pat. No. 7,376,610 B2).

As per **claim 1**, Katz et al. discloses **a method of quantitative analysis of communication performance for reputation management**, as (see e.g., ¶ 0053 lines 2-4) **comprising the steps of:**

(i) **performing a computerised set of at least two searches in a database or a network containing articles, each search comprising an object of interest related to said communication performance or objects to be compared to said object of interest**, as searching, extracting and transforming external data from a plurality of sources, such as databases and Internet sources, interpreted as performing a set of at least two searches; and the internal data and the external data interpreted as objects (see e.g., ¶ 0196; and ¶ 0204 lines 6-10) **at least one search term to be searched in a publication and optionally one or more attributes concerning the publication itself**; as news stories interpreted as search terms; and date, geographic location interpreted as attributes (see e.g., ¶ 0115 - 0116).

(ii) **analyzing the at least two searches to produce a quantitative analysis related to said reputation management; and** (as analysis services of collecting, analyzing and integrating data from data sources and databases (see e.g., ¶ 0039 lines 3-9; and ¶ 0053 lines 4-34); however, may be not specific to the analysis related to said reputation management).

(iii) **displaying the quantitative search results of analyses as graphs** as (see e.g., ¶ 0053 lines 10-19; and ¶ 0226).

However, Schneider discloses the quantitative analysis related to the reputation management of financial businesses as (see e.g., FIGS. 2-3; col. 6 line 57 to col. 7 line 44; and col. 17 line 28 to col. 18 line 21).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Schneider teaching of score based evaluation of capital market investment decisions and strategies into Katz et al. system in order to assess the firm properly their goals as well as the track record and reputation of the management should be examined carefully.

As per **claim 3**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1 wherein said object of interest is a company, brand or product name or category, governmental or non-governmental organisation, person or issue of general interest or public policy** as (see e.g., ¶ 0040 lines 20-28).

As per **claim 5**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1, further comprising the step of evaluating the positive, negative, and neutral tone of voice concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by manually evaluating a statistically chosen**

sub-set thereof as (see e.g., ¶ 0041 lines 13-17; ¶ 0167 lines 1-7; ¶ 0169 lines 1-5; and ¶ 0172 lines 1-5).

10. **Claims 2 and 6-8** are rejected under 35 U.S.C. 103(a) as being unpatentable over Katz et al., in view of Schneider, and further in view of Adler (US Pub. No. 2002/0169658 A1).

As per **claim 2**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 1 further comprising the step of: Performing steps (i) and (ii) for articles published at different points in time as** (see e.g., ¶ 0300 lines 2-7). Katz et al. and Schneider do not explicitly disclose **displaying the results as a function of time**. However, Adler discloses as (see e.g., ¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. and Schneider systems in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per **claim 6**, Katz et al. and Schneider do not explicitly disclose **the method of quantitative analysis of communication performance as set forth in claim 1, further comprising the step of counting and mapping frequency of most relevant words concerning said object of interest or said objects to be compared to said objects of interest of a plurality of retrieved publications by plotting most relevant words in conjunction with change of occurrence over time.**

However, Adler discloses as (see e.g., ¶ 0089).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. and Schneider systems in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per **claim 7**, Katz et al and Schneider do not explicitly disclose **the method of quantitative analysis of communication performance as set forth in claim 1, wherein analyzing the at least two searches further comprises taking into account additional data including data being provided from a different source than said database or network of articles, the additional data facilitating normalization of**

the quantitative analysis and comparisons between the objects in the quantitative analysis.

However, Adler discloses as (see e.g., FIG. 2; and ¶ 0032 and ¶ 0076).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Adler teaching of modeling and analyzing complex strategic business decisions into Katz et al. and Schneider systems in order to provide facilities to create, edit, and store decision contexts and scenarios persistently to a database. This allows models and scenarios to be retrieved and updated and refined for recurring use, allowing prior decisions to be revisited in light of current market data and learning from experience. The accuracy and credibility of simulated outcomes and analysis increases in a correspondingly incremental manner (Adler, ¶ 0049).

As per **claim 8**, Katz et al. discloses **the method of quantitative analysis of communication performance as set forth in claim 7, wherein said data being provided from a different source relates to financial data of company, product line, marketing and PR budget** as (see ¶ 0040 lines 9-28).

Conclusion

11. The following prior art made of record on form PTO-892 and not relied upon is cited to establish the level of skill in the applicant's art and those arts considered reasonably pertinent to applicant's disclosure. See **MPEP 707.059(c)**.

Timmins et al. US- 2004/0114571 A1

Ruggieri et al. US- 2005/0144114 A1

12. The examiner requests, in response to this Office Action, support is shown for language added to any original claims on amendment and any new claims. That is, indicate support for newly added claim language by specifically pointing to page(s) and line number(s) in the specification and/or drawing figure(s). This will assist the examiner in prosecuting the application.

When responding to this Office Action, applicant is advised to clearly point out the patentable novelty which he or she thinks the claims present, in view of the state of the art disclosed by the references cited or the objections made. He or she must also show how the amendments avoid such references or objections See 37 CFR 1.111(c).

Contact Information

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bai D. Vu whose telephone number is 571-270-1751. The examiner can normally be reached on Mon - Fri 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Neveen Abel-Jalil can be reached on 571-272-4074. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. D. V./
Examiner, Art Unit 2165
6/19/2009

/Neveen Abel-Jalil/
Supervisory Patent Examiner, Art Unit 2165